

Title 129 - Department of Environmental Quality
Chapter 33

Effective Date 12/15/98 (Rev. 12/15/93)

Chapter 33 - COMPLIANCE; TIME SCHEDULE FOR

001 Except as otherwise noted in specific emission control regulations, compliance with these regulations shall be according to the following schedule:

001.01 All new or modified installations that required approval under the provisions of Chapter 17 shall be in compliance with all applicable emission control regulations at start-up after the effective date of the applicable emission control regulation. Provided, however, such installation may, at the request of the operator and under conditions approved by the Department, be operated for such specified time periods as are required to make necessary adjustments on the equipment. Compliance must be demonstrated in conformance with Chapter 34.

001.02 All existing installations and open burning operations subject to Chapter 5, 001.01 and 001.02 shall be in compliance with these regulations within 180 days after the effective date of these regulations and shall certify compliance and state the method used to determine compliance, unless the person responsible for the operation of such installation or open burning operation has submitted a request to, and received a variance from, the Department to continue such operation in nonconformance with the regulations for a specified period of time beyond the 180 day period provided for compliance.

001.03 All requests for variance as provided for in Neb. Rev. Stat. §81-1513 shall be submitted in writing to the Department and, in addition to statutory requirements, shall contain the following information:

001.03A A description of the particular operation or installation affected.

001.03B The reason for being unable to meet the requirements for these regulations.

001.03C A specific time schedule showing increments of progress toward compliance, including:

001.03C1. Date of submittal of the source's final control plan to the appropriate air pollution control agency;

001.03C2. Date by which contracts for emission control systems or process modifications will be awarded; or date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

001.03C3. Date of initiation of on site construction or installation of emission control equipment or process change;

001.03C4. Date by which on site construction or installation of emission control equipment or

process modification is to be completed; and
001.03C5. Date by which final compliance is to
be achieved.

001.03D The notarized signature of the person responsible for the
operation or installation.

001.03E Any other supporting documentation specifically
requested by the Department and deemed pertinent to
consideration of the individual request.

002 Compliance schedules requiring more than 12 months to conform with applicable rules and
regulations to meet National Primary and Secondary Ambient Air Quality Standards will be
accomplished in progressive steps. A report will be made in writing to the Director within 5 days
after each step is completed.

003 Failure to meet time schedules approved in accordance with Sections 001.02 and 001.03 of
this Chapter of this regulation shall constitute a violation of these regulations unless a request to
amend the time schedule is received at least 30 days before the end of any specified period
approved for a particular activity. Such a request to amend the schedule shall contain the same
type of information as required for the initial request for variance as described in Section 001.03
of this Chapter.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2)(4)(11)(25); 81-1505(12);
81-1513(1) to (7)

Legal Citation: Title 129, Ch. 33, Nebraska Department of Environmental Quality

For more information, contact
MoreInfo@NDEQ.state.NE.US

Nebraska Department of Environmental Quality
1200 "N" Street, Suite 400
PO Box 98922
Lincoln, NE 68509
(402)471-2186 fax: (402)471-2909